

REMARKS

Rejection Under 35 U.S.C. § 102(a)

Claims 40 to 48, all claims pending in this patent application, stand rejected under 35 U.S.C. § 102(a) in view of WO 96/12477 (“the Rantala application”). Applicants request that this rejection be withdrawn because the Rantala application does not constitute prior art under §102(a).

Section 102(a) provides that an applicant is entitled to a patent unless “the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country before the invention thereof by the applicant for patent” 35 U.S.C. §102(a).

The Rantala application, however, did not publish “in this or a foreign country” before Applicants’ invention of the claimed subject matter, nor does it demonstrate that the claimed subject matter “was known or used by others in this country ... before the invention thereof” by Applicants. Indeed, the Rantala application published on May 2, 1996, nearly a year after the filing date of U.S. Pat. No. 5,674,895 (“the 895 Patent”), from which the instant patent application claims priority. Since claims 40 to 48 find support in the patent application from which the 895 Patent issued (*see, e.g.*, 895 Patent at col. 2, lns. 24-28; col. 3, lns. 53-58, col. 4, lns. 52-54; col. 9, lns. 51-53), the later-published Rantala application does not constitute prior art under 35 U.S.C. §102(a).

Rejection Under 35 U.S.C. § 103(a)

Claims 40 to 48 also stand rejected under 35 U.S.C. §103(a) over the Rantala application in view of JP 4060009388A. This rejection appears to be based upon the mistaken assumption that the Rantala application is available as prior art under 35 U.S.C. §102(a). Since, as noted above, the Rantala application is not prior art under §102(a), Applicants request that the rejection under §103(a) be reconsidered and withdrawn.

DOCKET NO.: ARC2366N2/ALZA-0143
Application No.: 10/645,715
Office Action Dated: September 19, 2005

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The pending claims are in condition for allowance. Accordingly, Applicants respectfully request an early and favorable action.

Date: December 15, 2005


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